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Attorneys for Defendants  
AIU Insurance Company; Granite State Insurance Company,  
Insurance Company of the State of Pennsylvania,  
Lexington Insurance Company, and  
National Union Fire Insurance Company of Pittsburgh, PA

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re  
  
OUT OF DISTRICT & BANKRUPTCY CASE  
  
KAISER GYPSUM COMPANY, INC. and  
HANSON PERMANENTE CEMENT, INC.  
(f/k/a Kaiser Cement Corporation,  
  
Debtors.

Case No. 00-99999-rld7

KAISER GYPSUM COMPANY, INC. and  
HANSON PERMANENTE CEMENT, INC.  
(f/k/a Kaiser Cement Corporation,  
  
Plaintiffs,

Adv. Proc. No. 16-03127-rld

v.

AIU INSURANCE COMPANY; ALLIANZ  
UNDERWRITERS INSURANCE COMPANY  
(f/k/a Allianz Underwriters, Inc.); ALLSTATE  
INSURANCE COMPANY (as successor-in-  
interest to Northbrook Excess and Surplus  
Insurance Company f/k/a Northbrook  
Insurance Company); ASSOCIATED  
INTERNATIONAL INSURANCE COMPANY;  
COLUMBIA CASUALTY COMPANY; THE  
CONTINENTAL INSURANCE COMPANY  
(for itself and as successor-in-interest to  
Harbor Insurance Company AND as  
successor to certain policies issued by  
London Guarantee & Accident Company of

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO PLAINTIFFS' COMPLAINT**

New York); EXECUTIVE RISK INDEMNITY, INC. (f/k/a Executive Re Indemnity Inc. f/k/a ERIC Reinsurance Company f/k/a American Excess Insurance Company); FIREMAN'S FUND INSURANCE COMPANY; FIRST STATE INSURANCE COMPANY; GRANITE STATE INSURANCE COMPANY; THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA; LEXINGTON INSURANCE COMPANY; LONDON & EDINBURGH INSURANCE COMPANY LTD.; MUNICH REINSURANCE AMERICA, INC. (f/k/a American Re-Insurance Company); NATIONAL CASUALTY COMPANY; NATIONAL FIRE INSURANCE COMPANY OF HARTFORD (f/k/a Transcontinental Insurance Company); NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA (for itself and as successor by merger to Landmark Insurance Company); NEW ENGLAND REINSURANCE CORPORATION; OLD REPUBLIC INSURANCE COMPANY; SENTRY INSURANCE A MUTUAL COMPANY (as assumptive reinsurer of Great Southwest Fire Insurance Company); TIG INSURANCE COMPANY (as successor by merger to International Insurance Company, as successor by merger to International Surplus Lines Insurance Company) AND as successor by merger to Fairmont Premier Insurance Company, f/k/a TIG Premier Insurance Company, f/k/a Transamerica Premier Insurance Company); TRANSPORT INDEMNITY COMPANY; TRUCK INSURANCE EXCHANGE; TWIN CITY FIRE INSURANCE COMPANY; UNITED STATES FIRE INSURANCE COMPANY (as successor by novation to Industrial Indemnity Company); WESTPORT INSURANCE CORPORATION (as successor by merger to Employers Reinsurance Corporation); CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON; CERTAIN LONDON MARKET INSURANCE COMPANIES: ACCIDENT & CASUALTY INSURANCE COMPANY; ALBA GENERAL INSURANCE COMPANY LTD.; ANGLO FRENCH INSURANCE COMPANY LIMITED; THE ANGLO SAXON INSURANCE ASSOCIATION; ASSURANCE COMPAGNIET BALTICA-SKANDINAVIA

AKTIESELSKAB; BALOISE FIRE  
INSURANCE COMPANY LIMITED;  
BRITTANY INSURANCE COMPANY; CX  
REINSURANCE COMPANY LIMITED (f/k/a  
CNA Reinsurance of London Limited); THE  
DOMINION INSURANCE COMPANY  
LIMITED; EXCESS INSURANCE  
COMPANY LIMITED; FIDELIDADE  
INSURANCE COMPANY; HARPER  
INSURANCE COMPANY LIMITED (f/k/a  
Turegum Insurance Company Limited); THE  
INSURANCE COMPANY OF THE STATE  
OF PENNSYLVANIA; THE LONDON AND  
EDINBURGH INSURANCE COMPANY  
LIMITED; MARKEL INTERNATIONAL  
INSURANCE COMPANY (f/k/a Terra Nova  
Insurance Company Limited); NATIONAL  
CASUALTY COMPANY OF AMERICA LTD.;  
NATIONAL CASUALTY COMPANY; RIVER  
THAMES INSURANCE COMPANY  
LIMITED; THE ROYAL SCOTTISH  
INSURANCE COMPANY LTD.; ST.  
KATHERINE INSURANCE COMPANY  
LIMITED; STRONGHOLD INSURANCE  
COMPANY LIMITED; TENECOM LIMITED  
(f/k/a Yasuda Fire and Marine Insurance  
Company (UK) Limited); TRENT  
INSURANCE COMPANY LIMITED;  
UNIONAMERICA INSURANCE COMPANY  
LIMITED; "WINTERTHUR" SWISS  
INSURANCE COMPANY; WORLD  
AUXILIARY INSURANCE CORPORATION  
LIMITED; ZURICH INTERNATIONAL  
LIMITED, and JOHN DOES 1-100,

Defendants.

Defendants AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Lexington Insurance Company, and National Union Fire Insurance Company of Pittsburgh, PA (AIG defendants) move for an extension of time from November 1, 2016, to December 1, 2016, to respond to plaintiffs' complaint.

This motion is made in good faith and not for any improper purpose and is supported by the declaration of Thomas W. Brown attached. Plaintiffs do not oppose this motion.

DATED: October 26, 2016

COSGRAVE VERGEER KESTER LLP

***/s/ Thomas W. Brown***

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Attorneys for Defendants  
AIU Insurance Company, Granite State  
Insurance Company, Insurance Company of  
the State of Pennsylvania, Lexington Insurance  
Company, and National Union Fire Insurance  
Company of Pittsburgh, PA

## CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing

### UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS'

**COMPLAINT** on the date indicated below by:

- ☐ mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- ☐ hand delivery,
- ☐ facsimile transmission,
- ☐ overnight delivery,
- ☒ electronic filing notification.

If served by facsimile transmission, attached to this certificate is the printed confirmation of receipt of the document(s) generated by the transmitting machine. I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorney(s) at the address(es) listed below:

C. Marie Eckert  
Miller Nash Graham & Dunn LLP  
111 SW Fifth Avenue, Suite 3400  
Portland, OR 97204

AND

D. Syed Ali  
Kay M. Brady  
Michael J. Lynch  
K&L Gates LLP  
210 Sixth Avenue  
Pittsburgh, PA 15222  
Attorneys for Plaintiffs

Adam E. Jones  
Forsberg & Umlauf, P.S.  
501 Fifth Avenue, Suite 1400  
Seattle, WA 98164

Attorneys for Defendants Certain Underwriters at Lloyd's, London and  
Certain London Market companies

DATED: October 26, 2016

/s/ Thomas W. Brown  
Thomas W. Brown

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In re

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KAISER GYPSUM COMPANY, INC. and  
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v.

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AIU INSURANCE COMPANY; ALLIANZ  
UNDERWRITERS INSURANCE COMPANY  
(f/k/a Allianz Underwriters, Inc.); ALLSTATE  
INSURANCE COMPANY (as successor-in-  
interest to Northbrook Excess and Surplus  
Insurance Company f/k/a Northbrook  
Insurance Company); ASSOCIATED  
INTERNATIONAL INSURANCE COMPANY;  
COLUMBIA CASUALTY COMPANY; THE  
CONTINENTAL INSURANCE COMPANY  
(for itself and as successor-in-interest to  
Harbor Insurance Company AND as

**DECLARATION OF THOMAS W.  
BROWN IN SUPPORT OF  
UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO PLAINTIFFS' COMPLAINT**

Page 1 - **DECLARATION OF THOMAS W. BROWN IN SUPPORT OF UNOPPOSED  
MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS'  
COMPLAINT**

decl TWB

successor to certain policies issued by  
 London Guarantee & Accident Company of  
 New York); EXECUTIVE RISK INDEMNITY,  
 INC. (f/k/a Executive Re Indemnity Inc. f/k/a  
 ERIC Reinsurance Company f/k/a American  
 Excess Insurance Company); FIREMAN'S  
 FUND INSURANCE COMPANY; FIRST  
 STATE INSURANCE COMPANY; GRANITE  
 STATE INSURANCE COMPANY; THE  
 INSURANCE COMPANY OF THE STATE  
 OF PENNSYLVANIA; LEXINGTON  
 INSURANCE COMPANY; LONDON &  
 EDINBURGH INSURANCE COMPANY  
 LTD.; MUNICH REINSURANCE AMERICA,  
 INC. (f/k/a American Re-Insurance  
 Company); NATIONAL CASUALTY  
 COMPANY; NATIONAL FIRE INSURANCE  
 COMPANY OF HARTFORD (f/k/a  
 Transcontinental Insurance Company);  
 NATIONAL UNION FIRE INSURANCE  
 COMPANY OF PITTSBURGH, PA (for itself  
 and as successor by merger to Landmark  
 Insurance Company); NEW ENGLAND  
 REINSURANCE CORPORATION; OLD  
 REPUBLIC INSURANCE COMPANY;  
 SENTRY INSURANCE A MUTUAL  
 COMPANY (as assumptive reinsurer of  
 Great Southwest Fire Insurance Company);  
 TIG INSURANCE COMPANY (as successor  
 by merger to International Insurance  
 Company, as successor by merger to  
 International Surplus Lines Insurance  
 Company) AND as successor by merger to  
 Fairmont Premier Insurance Company, f/k/a  
 TIG Premier Insurance Company, f/k/a  
 Transamerica Premier Insurance Company);  
 TRANSPORT INDEMNITY COMPANY;  
 TRUCK INSURANCE EXCHANGE; TWIN  
 CITY FIRE INSURANCE COMPANY;  
 UNITED STATES FIRE INSURANCE  
 COMPANY (as successor by novation to  
 Industrial Indemnity Company); WESTPORT  
 INSURANCE CORPORATION (as  
 successor by merger to Employers  
 Reinsurance Corporation); CERTAIN  
 UNDERWRITERS AT LLOYD'S OF  
 LONDON; CERTAIN LONDON MARKET  
 INSURANCE COMPANIES:  
 ACCIDENT & CASUALTY INSURANCE  
 COMPANY; ALBA GENERAL INSURANCE  
 COMPANY LTD.; ANGLO FRENCH  
 INSURANCE COMPANY LIMITED; THE

ANGLO SAXON INSURANCE  
ASSOCIATION; ASSURANCE  
COMPAGNIET BALTICA-SKANDINAVIA  
AKTIESELSKAB; BALOISE FIRE  
INSURANCE COMPANY LIMITED;  
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LIMITED; EXCESS INSURANCE  
COMPANY LIMITED; FIDELIDADE  
INSURANCE COMPANY; HARPER  
INSURANCE COMPANY LIMITED (f/k/a  
Turegum Insurance Company Limited); THE  
INSURANCE COMPANY OF THE STATE  
OF PENNSYLVANIA; THE LONDON AND  
EDINBURGH INSURANCE COMPANY  
LIMITED; MARKEL INTERNATIONAL  
INSURANCE COMPANY (f/k/a Terra Nova  
Insurance Company Limited); NATIONAL  
CASUALTY COMPANY OF AMERICA LTD.;  
NATIONAL CASUALTY COMPANY; RIVER  
THAMES INSURANCE COMPANY  
LIMITED; THE ROYAL SCOTTISH  
INSURANCE COMPANY LTD.; ST.  
KATHERINE INSURANCE COMPANY  
LIMITED; STRONGHOLD INSURANCE  
COMPANY LIMITED; TENECOM LIMITED  
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Company (UK) Limited); TRENT  
INSURANCE COMPANY LIMITED;  
UNIONAMERICA INSURANCE COMPANY  
LIMITED; "WINTERTHUR" SWISS  
INSURANCE COMPANY; WORLD  
AUXILIARY INSURANCE CORPORATION  
LIMITED; ZURICH INTERNATIONAL  
LIMITED, and JOHN DOES 1-100,

Defendant,

I, Thomas W. Brown, under penalty of perjury, declare pursuant to 28 U.S.C.

§ 1746, as follows:

1. I am an attorney for defendants AIU Insurance Company, Granite State Insurance Company, The Insurance Company of the State of Pennsylvania, Lexington Insurance Company, and National Union Fire Insurance Company of Pittsburgh, PA

Page 3 - **DECLARATION OF THOMAS W. BROWN IN SUPPORT OF UNOPPOSED  
MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS'  
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decl TWB

Cosgrave Vergere Kester LLP  
Attorneys

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(AIG defendants) in this adversary proceeding, filed on October 20, 2016, under 28 U.S.C § 1452(a) and Fed. R. Bankr. Proc. 9027(a).

2. Some or all of the AIG defendants appear to have been served with plaintiffs' summons and complaint on October 11, 2016. Under Fed. R. Bankr. Proc. 9027(g) that would make those AIG defendants' responsive pleading due by November 1, 2016.

3. My office was recently retained to represent the AIG defendants. The AIG defendants have also recently retained attorneys in San Francisco, California that regularly represent the AIG defendants in environmental coverage litigation in Oregon state and federal courts. The AIG defendants' attorneys need additional time to prepare and file a responsive pleading.

4. The AIG defendants request the court extend the deadline to file their response to plaintiffs' complaint for a period of thirty (30) days from November 1, 2016, to December 1, 2016.

5. I conferred by phone and email with plaintiffs' counsel, Marie Eckert, and plaintiffs do not oppose this motion.

6. This motion is made in good faith and not for any improper purpose.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS  
TRUE AND CORRECT.**

EXECUTED this 26th day of October, 2016, at Portland, OR

***/s/ Thomas W. Brown***

\_\_\_\_\_  
Thomas W. Brown

## CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing

**DECLARATION OF THOMAS W. BROWN IN SUPPORT OF UNOPPOSED MOTION  
FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' COMPLAINT** on the date  
indicated below by:

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Seattle, WA 98164

Attorneys for Defendants Certain Underwriters at Lloyd's, London and Certain  
London Market companies

DATED: October 26, 2016

/s/ Thomas W. Brown  
Thomas W. Brown